

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

GOBIND SINGH, M.D., PH.D.,)	
)	Civil Action No. 3:17-cv-00400
Plaintiff,)	
)	The Honorable Eli Richardson
v.)	
)	Magistrate Judge Barbara D. Holmes
VANDERBILT UNIVERSITY MEDICAL)	
CENTER, and VANDERBILT)	
UNIVERSITY,)	
)	
Defendants.)	

MOTION TO WITHDRAW

Edward R. Moor, counsel for Plaintiff, GOBIND SINGH, respectfully requests that this Court enter an order permitting him to withdraw, *instanter*, as counsel for Plaintiff, along with his local counsel, Seamus Kelly and David Goldman of Music City Law, PLLC. In support of his motion, counsel states as follows:

1. Fully aware of the unusual history of this case with respect to the Plaintiff's representation, the undersigned is, nonetheless, compelled to bring this motion to withdraw.
2. Counsel gave Plaintiff notice on December 13, 2021 that he intended to file this motion on December 27, 2021. (Ex. A, email of December 13, 2021).
3. After working intensely with the client to prepare for the pretrial conference when it was set for September 3, 2021, with trial set for September 14, 2021 (Dkt. 161), this case was continued due to the COVID pandemic. The pretrial was reset to January 21, 2022 and the trial to February 1, 2022. (Dkt. 195).

4. After the continuance, counsel reached out to his client on October 29, 2021 when Defense counsel enquired by email that day whether it was worth trying to resume settlement discussions.

5. Counsel received no response on October 29, 2021 or at any time to date despite a) emails to Dr. Singh on October 29, November 2, and November 29, and b) leaving voicemails for Dr. Singh on November 4, November 11, November 21, December 1, and December 10, 2021.

6. Further, counsel emailed the Plaintiff's father, G.B. Singh, with whom counsel has met, on November 11, 2021 when no response had been forthcoming from the Plaintiff. The father replied that counsel had all of Plaintiff's contact information but that he would drop Plaintiff a note the next day. Counsel never heard from the father and calls to the father on December 10 and December 13 were unanswered.

7. This is a substantial change in the attorney-client relationship. The main manner of communication was email, 894 emails having been sent from Dr. Singh to counsel since retention in June 2020, but Dr. Singh was also prolific in requesting phone conferences and Zoom calls, which frequently went on for hours.

8. Counsel has no understanding of why Dr. Singh was ready to go to trial with him in September 2021 and now is not, but counsel cannot represent a client that will not return communications. Counsel understands that his withdrawal may leave Dr. Singh unrepresented and only able to proceed *pro se* at trial.

9. Without disclosing confidences, counsel can state that his relationship with the client was very contentious. This was, however, true when counsel was prepared to go to trial September 14, 2021, and counsel did not seek to withdraw at that time. This motion is brought

because there has been no communication, not even contentious communication, in over a month and a half on the eve of the pretrial conference and trial.

10. The undersigned also retained local counsel himself when the last local counsel, Elizabeth G. Hart and Tara Swafford, retained by Dr. Singh, insisted on removing themselves from the case. As local counsel, Seamus Kelly and David Goldman, retained by the undersigned, should be allowed to withdraw as they will not be compensated by the undersigned if the undersigned's withdrawal is permitted.

11. Counsel also had the Plaintiff skip-traced, and asked a licensed process server to serve Plaintiff with a copy of this Motion, which was sent to the process server on December 14, 2021 for personal service on the Plaintiff at his home address. Formal notice, however, was given on December 13, 2021 in the usual way that counsel communicated with Plaintiff. (Ex. A).

WHEREFORE, counsel, Edward R. Moor, respectfully requests that this Court enter an order permitting he, Seamus Kelly and David Goldman to withdraw as Plaintiff's counsel, *instante*. Counsel further prays for any other relief that this Court deems just.

Respectfully submitted,

/s/ Edward R. Moor

Edward R. Moor, *admitted pro hac vice*

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Seamus T. Kelly, TN # 032202

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Nashville, TN 37203

CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2021 I electronically filed the foregoing Motion with the Clerk of the Court using CM/ECF system, which will send notification of such filing to all registered users, including those listed below:

Luther Wright Jr.
Ogletree, Deakins, Nask, Smoak & Stewart, P.C.
SunTrust Plaza
401 Commerce Street, Suite 1200
Nashville, Tennessee 37219
luther.wright@ogletree.com

I further certify a) that notice of the intent to withdraw was given to Dr. Singh on December 13, 2021, and b) that a copy of this motion was given to a process server retained on December 14, 2021 with instructions to personally serve Gobind Singh at his home address of 300A E. 102ND STREET # 3C, NEW YORK, NY 10029.

/s/ Edward R. Moor

EXHIBIT A –
Fourteen Day Notice

From: [Edward Moor](#)
To: [G S](#)
Cc: seamus@musiccityfirm.com
Subject: Singh v. VUMC - 14 Day Notice
Date: Monday, December 13, 2021 7:54:00 PM

As I suggested recently, I am now giving you formal notice that on December 27, 2021 I will file a motion to withdraw as your counsel of record. Seamus Kelly, my local counsel, will do the same. The reason is non-communication, and non-cooperation. The Court will probably set the motion for hearing, and if so I will make sure that you know the date and time.

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